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BY THE HOUSE OF DELEGATES,

APRIL 6th, 1852.

Read and ordered to be printed.

REPORT

OF THE

SELECT COMMITTEE

APPOINTED TO VISIT

MOUNT HOPE HOSPITAL

AND

MARYLAND HOSPITAL,

IN THE CITY OF BALTIMORE.

REPORT.

The Committee appointed "to visit the city of Baltimore, for the purpose of examining the streets in the immediate vicinity of, and leading to the grounds attached to Mount Hope Hospital, in said city, and report whether the relief asked of the General Assembly of Maryland, by the Sisters of Charity of St. Joseph, at Mount Hope, in relation to the closing of certain streets therein mentioned, shall be granted: also to examine the Maryland Hospital, in Baltimore city, and report the condition thereof to this House"—beg leave to submit the following report:

Your Committee, having been furnished with plats of the streets mentioned in the petition of the Sisters of Charity, as located and laid down upon "Poppleton's Plat," of the city of Baltimore, visited the grounds of Mount Hope, made an examination of the premises, and heard the statements of the respective parties interested in the closing of said streets.

The first question to which your Committee have directed their attention is—whether the Legislature has the right to grant the relief asked by the Sisters of Charity? It appears, by an act of the General Assembly, passed at December session, 1838, chapter 226, sec. 1, that the Mayor and City Council of Baltimore were invested with power and authority to provide for *laying out*, *opening*, *extending*, *widening*, *straightening* or *closing up*, in *whole or in part*, any *street*, *square*, *lane* or *alley* within the bounds of said city, which, in their opinion, the *public welfare or convenience* may require, &c. Your Committee would *infer*, from the language of the petition of the Sisters of Charity, that, in their opinion, the relief asked of the Legislature, could not be granted unto them, according to the provisions of this Act of Assembly. Whether the Mayor and City Council of Baltimore have the power to grant such relief or not, is a question which your Committee do not think themselves called upon to determine. But, we are to consider whether the Legislature, by the act of 1838, chapter 226, has divested itself of all power and control over the opening and closing of streets in the city of Baltimore? Your Committee think that it has not, and that the power granted to the Mayor and City Council of Baltimore, by this act, in relation to the opening and closing of streets, can, at any time, be assumed by the Legislature. Municipal corporations are, as a general principle, at all times under the control of the Legislature which created them, by whom they can be modified or destroyed at pleasure.

It is, therefore, not to be presumed that the Legislature ever intended to confer upon the Mayor and City Council of Baltimore such powers as could not be taken from them whenever the Legislature might be so disposed. To illustrate this position more clearly, we find that the 8th section of the act of 1796, chapter 68, (by which act the city of Baltimore was incorporated,) invests the corporation with full power and authority to enact and pass all laws and ordinances necessary to provide for a general survey of the city and precincts. And we also find, by the 12th section of the act of 1817, chapter 148, that John E. Howard, William Gibson, William Cooke, William McMechen, Henry Thompson, John Hillen, Joseph Townsend, Nathaniel Williams and John McHenry were appointed Commissioners, to have surveyed and laid off, within the limits of the city of Baltimore, all such streets, lanes and alleys, as they shall deem proper and convenient, &c. Thus, the same power seems to have been given by the Legislature to *certain Commissioners*, which had been previously given to the Mayor and City Council of Baltimore. If the Legislature was not empowered to pass the act of 1817, chapter 148, then, all the proceedings under this act, have been nugatory, and "Poppleton's Plat," of the city of Baltimore, which was executed under the directions of the Commissioners named in said act, should be entirely disregarded, and declared to be null and void, as regards its practical operations. But if, on the other hand, and as your Committee believe, the Legislature had the right to pass the act of 1817, chapter 148, then, surely, it has the same right now, to enact a subsequent law, in relation to the same subject matter. Your Committee are, therefore, of opinion, from the facts before them, and from previous legislative precedents, that the General Assembly of Maryland has the power to grant the relief asked of it by the Sisters of Charity, in relation to closing of certain streets.

The next and most important question for the consideration of your Committee is, whether it would be expedient and proper to exercise this power? It appears from Poppleton's plat of the city of Baltimore, that should a certain street in said city called "Bolton street," be opened, it will pass directly through the "main building" of Mount Hope Hospital, which was erected before Poppleton's location of the streets. Judge Frick, in his memorial to to the Legislature, opposes the demolishing of this building to open a passage for Bolton street, because he says *"that the heavy damages to which this Institution would be entitled in such event, must forever forbid it."* It likewise appears that a certain other street in said city, named Laurens street, runs at right angles, (or nearly so,) with Bolton street, which it intersects within the grounds of Mount Hope, and within a few feet of the "main building."

We are then to consider whether Bolton street ought to be

opened through the "main building" of Mount Hope, according to the location thereof upon Poppleton's plat, or whether it ought to be closed when it intersects Laurens street, or whether it ought to be closed as proposed by the Sisters of Charity before it reaches their grounds, and when it intersects Wilson street, which runs about parallel with Laurens street, and from which it is about one square distant? Your committee are of opinion that if Bolton street should be closed at all, it ought to be closed at Wilson street and not at Laurens street. If we intend to interfere in this matter, let us do so with due regard to the rights, advantages and situations of the respective parties. And your committee consider that the closing of Bolton street at its intersection with Laurens street would be a serious injury to the Institution without any remuneration whatsoever being provided.

It is a well known fact that an Insane Asylum of this character requires the utmost privacy. The noise, bustle and confusion necessarily incident to the close proximity of streets, excite the minds of the unfortunate inmates who require constant repose, and seclusion from the gaze of the curious. If Bolton street and Laurens street are to be brought directly to its door, then Mount Hope will no longer be a fit Asylum for the insane, and its efficiency for the noble purposes for which it is at present used, will be forever destroyed. If the Legislature intends to throw its protecting arm around it, let it be protected in its usefulness and in its philanthropic efforts to restore to health and reason the unfortunate of our race.

As the "main building" of this Institution was erected before the plan and dedication of the streets of Baltimore in 1818, your committee are of opinion that if Bolton street shall not be closed before it intersects Laurens street, it ought not to be closed at all, but should be opened through the "main building" of Mount Hope, thereby securing to the owners thereof, indemnification for its destruction, according to the provisions of our laws for similar cases.

Your committee also recommend that the Legislature should extend to the Sisters of Charity who are petitioners for relief, whatever protection it has the power to grant without violating the constitutional rights of others. Indeed Mount Hope appeals to public sympathies and the protection of the State, in a manner more forcible than can be conveyed by words. The superior excellence with which it is at present conducted, is deserving of the highest admiration, while its efficiency as an Insane Asylum is undeniable.

It is owned by a society of females who have renounced the "pomps and pleasures" of the world, and devoted their lives to the cause of suffering humanity, and to deeds of benevolence and charity. Their Institution is open to the afflicted of every class and of every religious persuasion, and from the last report of the

attending Physician, it appears that twenty patients had been supported therein during the past year, free of any charge.

Your committee believing this statement to be correct, regard Mount Hope as the only institution in this State of like character, which has within its walls any insane patient free of all charges whatsoever. If this Institution should be destroyed, then these unfortunate beings—bereft of reason—deprived of their present tender guardians, and without any means of support, will be thrown upon the cold charity of the world—mere wrecks at the mercy of the pitiless storm. The want of additional accommodations for the Insane of our State, who have of late increased in numbers to an alarming extent, is felt and acknowledged by every one;—and during our present session, we have been memorialized by the philanthropic and noble hearted Miss D. L. Dix, to make an appropriation for the erection of an additional State Hospital. But the alley and streets which the Legislature are asked to close, are not yet opened to the grounds of Mount Hope, and in the petition of the Sisters of Charity, it is alleged "that it is not probable that the public convenience will ever require them to be opened through the grounds of the petitioners." If the public convenience should not require it, then the Mayor and City Council of Baltimore can never direct the opening of these streets, and the grounds of Mount Hope will be protected; and thus this Hospital will be forever unmolested. Your committee are of opinion, and therefore recommend that Bolton street, Laurens street, Robert street and Mayon alley ought not to be opened through the grounds attached to Mount Hope Hospital, as prayed by the Sisters of Charity in their petition.

But in submitting this recommendation, your committee do not wish to be considered as expressing an opinion that the closing of these streets, &c., would be a loss or injury to the owners of ground in the immediate vicinity. It seems to be a well settled principle of law, that any corporation created for purposes of private advantage and emolument, though the public may derive a common benefit therefrom, is to be regarded as a private company. If the Sisters of Charity, who are the owners of Mount Hope, can be considered as a private company, "in the eye of the law," then it is for the Legislature to determine whether they should make adequate compensation to the owners of property in the immediate vicinity thereof, provided the owners of such property should sustain any loss, injury or damage, by the closing of the streets hereinbefore mentioned.

The Legislature by the acts of 1849, chapter 71, section 4, and chapter 323, section 3, and more especially by the act of 1849, chapter 532, entitled, "a further supplement to an act to incorporate the Baltimore and Susquehanna Railroad Company," seems to have directed the closing of certain streets in cases similar, or nearly so, to the one under consideration, without making any

provision whatsoever for the payment, or ascertainment, of the amount of damages sustained in the closing of the streets therein mentioned, and if in these instances no provision was made for compensation, then surely the Legislature would have the power to pass a similar act in this case.

Your committee would in the next place call the attention of the Legislature to the Maryland Hospital, which was found, upon a thorough examination, to be in a most excellent condition; whilst its regulations, neatness and arrangements, reflect credit and honor upon those who have the superintendence and management thereof. But the attention of your committee was particularly directed to the large number of its inmates. This Institution is at present entirely too much crowded, and its accommodations are greatly insufficient to meet the constant demands for admission. In two rooms, which ought if possible always to be reserved as sitting rooms for male patients, the committee observed that there were fifteen beds, a proof of the crowded state of this venerable and very useful Hospital. Your committee were conducted through the building, and would present to the consideration of the Legislature, three desirable improvements for the greater comfort of the patients occupying the East wing, (all of whom are females,) viz: 1st. A large stairway from the basement to the second story, together with its landings, occupies an unnecessary waste of space. If the stairway were removed, three convenient rooms might be thereby added to the wing. 2dly. The stable of the Institution, is entirely too near the wing which is occupied by females. It is desirable to have it removed and a new one built on a more eligible spot. 3dly. The arrangements for the washing and ironing of the clothing of the patients and employees, are now in two rooms in the basement of the same wing; the rest of the basement being occupied by female patients. These two rooms ought to be used for the recreations of patients, especially in cold and foul weather.

Besides, there are many inconveniences experienced by the officers of the Hospital, in governing that part of the building, owing to the presence there of the persons employed to do the washing. An aggregate appropriation of five thousand dollars is asked by the Institution, to enable it to make these improvements. It has been represented unto your committee, that this Hospital has never received any pecuniary assistance from the State for the current expenses attendant upon its management. And that since February 4th, 1828, the date of the deed from the city of Baltimore to the State, the Legislature has only appropriated forty thousand dollars, for making improvements and repairs of the buildings and premises. All of which is respectfully submitted.

C. S. PARRAN, *Chairman.*